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June 6, 2013

RECEIVED
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National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Good morning,

This is a follow-up request to a FOIA request I submitted to the U.S. Department of Justice on April 22, 2013, seeking information about an alleged court hearing in Belle Fourche, Butte County, South Dakota, in 1962. The Case Number is 4498.

Please see the FOIA/Privacy Act Referral Action Slip enclosed.

Preston and Laura Mitchell were the main plaintiffs in Case No. 4498 Civil, filed in the U.S. District Court for the District of Wyoming in April, 1961. The Mitchells of Aladdin, Wyoming, filed a lawsuit against the United States of America, seeking nearly \$1 million in damages resulting from accidental or deliberate exposure to nuclear fallout. Their problems began on April 17, 1959, during a snow storm that they believed caused the death of more than 400 head of sheep and sickened the Mitchells and their six children.

In September, 1961, the parents and two of their daughters were taken to Los Alamos National Laboratory in New Mexico for intensive physical exams. Afterward, the LANL doctors said they found no evidence of radiation exposure. The U. S. Circuit Court in Cheyenne, Wyoming, dismissed the Mitchell case for lack of evidence in late December, 1961.

A year or so later, there was a legal hearing at the Butte County Court House in Belle Fourche, SD, apparently seeking to reopen the case, according to Preston Herman "Dig" Mitchell, a son of Preston and Laura Mitchell. When asked for records of this matter, the court system in South Dakota was unable to find any information about such a hearing.

Does the U.S. Environmental Protection Agency have any records or correspondence about this matter? The principal attorney for the government was Edward Forgotson of the Atomic Energy Commission. He may have been involved in any court action after the initial case was dismissed.

Any information you can provide will be greatly appreciated. I am willing to pay up to \$100 for searching expenses in this matter.

Thank you for your attention.

Cordially,

Member: Western Writers of America, Agricultural Communicators in Education,
Investigative Reporters and Editors

Freedom of Information Act/Privacy Act
Referral/Action Slip

Clerk: M. Smith

Date:

Organization: JMD/FASS

MAY 07 2013

Building & Room: LOC, 113

To From

☐ ☐ Office of Information & Privacy

☐ ☐ Antitrust Division

☐ ☐ Bureau of Alcohol, Tobacco, Firearms
and Explosives

☐ ☐ Civil Division

☐ ☐ Civil Rights Division

☐ ☐ Community Relations Service

☐ ☐ Community Oriented Policing Services

☐ ☐ Criminal Division

☐ ☐ Dispute Resolution, Office of

☐ ☐ Drug Enforcement Administration

☒ ☐ Environment & Natural Resources Division

☐ ☐ Federal Bureau of Prisons

☐ ☐ Federal Bureau of Investigation

☐ ☐ Federal Detention Trustee, Office of

☐ ☐ Foreign Claims Settlement Commission

To From

☐ ☐ Immigration Review, Executive Office for

☐ ☐ Inspector General, Office of

☐ ☐ Intelligence Policy and Review, Office of

☐ ☐ INTERPOL, U.S. National Central Bureau

☐ ☐ Justice Management Division
Staff: _____

☐ ☐ Justice Programs, Office of

☐ ☐ Legal Counsel, Office of

☐ ☐ National Drug Intelligence Center

☐ ☐ Pardon Attorney, Office of

☐ ☐ Professional Responsibility Advisory Office

☐ ☐ Professional Responsibility, Office of

☐ ☐ Solicitor General, Office of

☐ ☐ Tax Division

☐ ☐ U.S. Attorneys, Executive Office for

☐ ☐ U.S. Marshals Service

☐ ☐ U.S. Parole Commission

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☐ ☐ _____

Requester: George Brandsberg

Ref: Case No. 4498

Date of Request: April 22, 2013

Received By: FOIA/PA Mail Referral Unit Type of Request: FOIA/PA

Remarks: Requester advised of this referral.



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